

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CARRIE WARD, *et al.*,

*

Plaintiffs

*

v

*

Civil Action No.: RDB-20-2779

KENNETH BUCK,

*

Defendant

*

MEMORANDUM OPINION

The above-entitled case was initially filed by Plaintiffs Elizabeth C. Jones, Richard R. Goldsmith, Jr., Andrew J. Brenner, Nicholas Derdock, Wayne Anthony Holman, Angela M. Dawkins, Michael Leeb, Megh Milan Mittra, Christopher Selig, Philip Shriver, William M. Savage, Gregory N. Britto, Kristine Brown, R. Kip Stone, Carrie M. Ward, Jacob Geesing, Howard N. Bierman, Joshua Coleman, and Pratima Lele against Kenneth Buck and Sheri Buck, in the Circuit Court for Baltimore County on February 10, 2017. It is now pending in this Court by virtue of a Notice of Removal, filed by Kenneth Buck on October 2, 2020. ECF No. 1, *see also Brown, et al., v. Buck, et al.*, Case No. 03-C-17-001331 (C. Ct. Balt. Cty.).¹ Buck filed Motions for Possession (ECF No. 3) and for Leave to Proceed in Forma Pauperis (ECF No. 5) which in light of the dismissal of this case are denied without prejudice.

Under 28 U.S.C. § 1441 a civil action filed in a State court is removable only if the United States District Court to which it is removed has original jurisdiction over the claims raised in the complaint. “The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading

¹ See <http://casesearch.courts.state.md.us/inquiry>.

setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.” 28 U.S.C.A. § 1446(b) (emphasis supplied). The state foreclosure proceeding was filed on February 10, 2017 and Buck was served with the Complaint on February 21, 2017. As Buck’s notice of removal is untimely, the case shall be remanded to the State court for all further proceedings as that court deems appropriate. A separate Order follows.

OCT 28, 2020
DATE

RICHARD D. BENNETT
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE